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The Illinois Social Workers Registration Act

Ill. Rev. Stat. 1967, Ch. 23 Sec. 5301 to 5320

STATE OF ILLINOIS

SAMUEL H. SHAPIRO, Governor



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REGISTRATION AND EDUCATION

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INDEX

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| Sec. | <ol style="list-style-type: none"> 1. Short title. 2. Definitions. 3. Use of title without certificate of registration—prohibition—exceptions. 3.1 Persons engaged in social work. 4. Requisites for registration. 5. Issuance of certificate of registration to persons employed in fields of social work. 5.1 Issuance of certificate of registration without examination—requirements. 6. Expiration of certificates of registration — renewal — reinstatement — restoration. 7. Fees. 8. Examinations. 9. Social workers examining committee. 10. Functions and duties of department. 11. Refusal, revocation or suspension of certificate of registration—grounds—mental illness—restoration. 12. Refusal, revocation or suspension of certificate of registration—investigation—notice and hearing. 13. Subpoena of witnesses and taking of testimony—oaths. 14. Compelling attendance — production of books — testimony — record of proceedings. 15. Report of committee—rehearing. 16. Restoration of certificate. 17. Judicial review. 18. Order of revocation or suspension as prima facie proof—rebuttal. 19. Penalties. 20. Disclosures—prohibition—exceptions. |
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SOCIAL WORKERS REGISTRATION ACT

AN ACT in relation to the registration and regulation of social workers, prescribing penalties and making an appropriation in connection therewith. Approved Sept. 8, 1967.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Sec. 1. [Short title.] This Act shall be known and may be cited as the "Social Workers Registration Act".

Sec. 2. [Definitions.] As used in this Act, unless the context otherwise requires:

(a) "Committee" means the Social Workers Examining Committee established under this Act;

(b) "Department" means the Department of Registration and Education;

(c) "Director" means the Director of Registration and Education;

(d) "Assistant Director" means the Assistant Director of Registration and Education;

(e) "Superintendent" means the Superintendent of Registration in the Department of Registration and Education;

(f) "Social worker" means any person who is paid, whether on a full-time or part-time basis, to render social services to individuals, groups or communities in any one or more of the fields of social casework, social group work, community organization for social welfare, social work research, social welfare administration or social work education.

Sec. 3. [Use of title without certificate of registration — Prohibition — Exceptions.] After December 31, 1968, no person may repre-

sent himself to be a social worker by adding the letters "S.W." or "C.S.W." after his name or by using the title "social worker", "certified social worker" or any other title which includes the words "social worker", unless registered under this Act. Nothing in this Act prevents a person who meets the educational requirements for registration as a "social worker" under this Act from accepting employment to meet the experience requirement for that registration, nor a student enrolled as a degree candidate in a recognized school of social work to participate in field instruction. This Act does not prohibit a person's serving as a volunteer so long as no representation prohibited by this Section is made.

Sec. 3.1. [Persons engaged in social work.] Nothing in this Act prevents any person from being engaged in the field of social work so long as he does not represent himself as, or use the titles of, "social worker" or "certified social worker".

Sec. 4. [Requisites for registration.] Except as provided in Section 5, to be eligible for registration under this Act, a person must

(a) file with the Department a verified application, on forms prescribed and furnished by the Department, showing

1. his name,
2. his residence address,
3. his age,
4. his educational background including schools attended, degrees conferred and the dates when conferred,
5. that he is a United States citizen, that his petition for naturalization is pending or that he has made a declaration of intention to become a citizen,

6. such other information as the Department reasonably requires;

(b) pay to the Department the registration fee required by this Act;

(c) be at least 21 years of age, of good moral character and temperate habits; and

(d) pass the examination required under this Act.

Sec. 5. [Issuance of certificate of registration to persons employed in fields of social work.] The Department shall issue a certificate of registration as a certified social worker (C.S.W.) to an applicant who has a degree from a graduate school of social work approved by the Department and who meets the requirements of Section 4. The Department shall issue a certificate of registration as a social worker (S.W.) to an applicant who has an undergraduate degree from a 4-year college or university approved by the Department, who meets the requirements of Section 4 and who is currently employed in one of the fields of social work and has at least 2 years experience in one of the fields of social work after receiving that degree.

Sec. 5.1. [Issuance of certificate of registration without examination — Requirements.] The Department shall issue, without the examination required by Section 4, a certificate of registration as a certified social worker to a person who meets the requirements of Section 4 except for the taking of the examination and who meets any one of the requirements of paragraphs (a) through (d) of this Section.

(a) Files his application by December 31, 1968, and has been employed as a social worker for at least 2 of the 5 years immediately preceding the date this Act takes effect. Social work experience which would fulfill this 2-year requirement must be based on employment in

a governmental agency or not-for-profit organization, organized and operated exclusively for religious, charitable, scientific or educational purposes, which provides in full, or as part of its program, an organized social work service or training for social work.

(b) Files his application by December 31, 1968, and has a degree from a graduate school of social work approved by the Department.

(c) Is in the armed forces of the United States on January 1, 1969, was employed as a social worker in Illinois for at least 2 of the 5 years immediately preceding his entry into the service of the armed forces and files his application within 3 months of his honorable discharge, separation or release from the armed forces. Social work experience which would fulfill this 2-year requirement must be based on employment in a governmental agency or not-for-profit organization, organized and operated exclusively for religious, charitable, scientific or educational purposes, which provides in full, or as part of its program, an organized social work service or training for social work.

(d) Is registered as a social worker under the laws of a sister State, territory of the United States or Canadian province which are substantially identical to the requirements of this Act and which provide for similar registration without examination for persons issued certificates under this Act.

Sec. 6. [Expiration of certificates of registration — Renewal — Reinstatement — Restoration.] Certificates of registration issued under this Act expire on November 30, 1970, and on November 30 in each even-numbered year thereafter. A person holding a certificate under this Act may, during November of each even-numbered year, renew that certificate by

paying the Department the renewal fee required by this Act. A person whose certificate under this Act has expired may, within 5 years of the date when the certificate expired, reinstate that certificate by paying the Department the reinstatement fee provided by this Act and all lapsed renewal fees. A certificate which has been expired for more than 5 years may not be restored until the Department has by the use of oral examination, written examination or both become fully satisfied that the person is competent to receive his certificate by restoration, and until the restoration fee provided by this Act has been paid to the Department.

Sec. 7. [Fees.] The following fees apply to registration under this Act and are nonrefundable:

(a) application for certificate of registration without examination, \$10;

(b) application for certificate of registration upon examination, \$25; for second examination of an applicant who fails to secure a passing score on his first examination, no fee, but for the third and any subsequent examination of that applicant, \$15;

(c) application for certificate of registration by social worker registered in another jurisdiction, as described in Section 5.1, paragraph (d), \$25;

(d) renewal of certificate of registration, \$10;

(e) reinstatement of an expired certificate of registration, \$10 plus all lapsed renewal fees;

(f) restoration of an expired certificate of registration, \$50.

Sec. 8. [Examinations.] The Department shall develop a separate examination to determine an applicant's qualifications for regis-

tration as a social worker and another, for certified social worker. The Department shall give at least 2 examinations for social worker and 2 for certified social worker in each calendar year. The examinations shall include an oral interview and a written examination. The questions in the examinations shall be designed to measure the applicant's knowledge of

(a) Illinois law in regard to child welfare, public assistance, family welfare, rehabilitation and mental health;

(b) historical and technical literature in the field of social welfare;

(c) basic scientific information, skills and techniques pertaining to social welfare; and

(d) current events and developments affecting social welfare.

Sec. 9. [Social workers examining committee.] The Director shall appoint a Social Workers Examining Committee consisting of 7 persons who have had at least 5 years of professional experience in social work, 4 of whom have a degree from a graduate school of social work approved by the Department and the other 3 of whom have an undergraduate degree from a college or university approved by the Department. The Director shall make his initial appointments to the Committee by October 1, 1967, and shall designate 4 members to serve until September 30, 1971, and 3, until September 30, 1969. Their successors shall serve for a 4 year term and until their successors are appointed and qualified. Vacancies shall be filled by appointment for the balance of the unexpired term. Members of the Committee shall receive the Department of Registration and Education per diem amount allowed to other Committees and shall be re-

imbursed for their expenses necessarily incurred in the performance of their duties.

When the Director is satisfied that substantial justice has not been done in any matter, he may order the Committee to reconsider the matter or may appoint a special committee for that purpose.

Sec. 10. [Functions and duties of department.] Upon the action and written report of a majority of the Committee, the Department shall:

(a) Prescribe rules and standards for determining whether colleges, universities and graduate schools of social work should be approved for purposes of this Act;

(b) Prepare and maintain a list of approved colleges, universities and graduate schools of social work whose graduates, if they otherwise meet the requirements of this Act, are eligible to apply for registration under this Act;

(c) Promulgate rules and regulations necessary for the administration of this Act, for methods of examination of candidates for registration as social workers and for the issuance of certificates of registration authorizing successful candidates to represent themselves as social workers or as certified social workers;

(d) Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration and pass upon qualifications of applicants from other States for reciprocal certificates of registration;

(e) Conduct hearings on revocation, suspension or refusal to renew certificates under this Act; and

(f) No later than January 15 each year, publish a roster of social workers registered under this Act.

Sec. 11. [Refusal, revocation or suspension of certificate of registration — Grounds — Mental illness — Restoration.] The Department may refuse to issue or to renew, may suspend or may revoke any certificate of registration under this Act upon proof that the person:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a certificate of registration under this Act;

(b) Is unfit or incompetent by reason of gross negligence in the practice of social work;

(c) Is habitually intemperate or intoxicated or is addicted to the use of habit forming drugs;

(d) Has wilfully or repeatedly violated any of the provisions of this Act;

(e) Is not a United States citizen and has failed to file a petition for naturalization within 90 days after becoming eligible to do so, or, if that petition has been filed, to become a citizen of the United States under the naturalization act within 90 days thereafter; or

(f) Has been convicted in this or another State of any crime which is a felony under the laws of this State or of a felony in a federal court.

The entry of a decree by any circuit court establishing that any person holding a certificate of registration under this Act is a person in need of mental treatment operates as a suspension of his certificate. That person may resume his practice only upon a finding by the Committee that he has been determined to be recovered from mental illness by the court and upon the Committee's recommendation to the Director that he be permitted to resume his practice.

Sec. 12. [Refusal, revocation or suspension of certificate of registration — Investigation — Notice and hearings.] The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as set forth in Section 11, investigate the actions of any person who applies for, or holds or represents that he holds a certificate of registration. That person is hereinafter called the accused. The Department shall, before refusing to issue, suspend or revoke any certificate, at least 30 days before the date set for the hearing, notify the accused in writing of any charges made and shall afford him an opportunity to be heard in person or by counsel in reference thereto. The written notice may be served by delivery of the notice personally to the accused or by mailing the notice by certified mail to the place of business specified by the accused in his last notification to the Department. At the time and place fixed in the notice, the Social Workers Examining Committee shall proceed to hearing of the charges and both the accused and the complainant shall be accorded ample opportunity to present in person, or by counsel, such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Committee may continue a hearing from time to time. If the Committee is not sitting at the time and place fixed in the notice or at the time and place to which a hearing has been continued, the Department may continue that hearing for not more than 30 days.

Sec. 13. [Subpoena of witnesses and taking of testimony — Oaths.] The Department may subpoena and bring before it any person in this State and may take testimony, orally or by deposition or both, with the same fees and

mileage and in the same manner as prescribed by law for civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration or any member of the Committee may administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department.

Sec. 14. [Compelling attendance — Production of books — Testimony — Record of proceedings.] Any circuit court upon the application of the accused person, the complainant or the Department, may require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, recall, suspension or revocation of a certificate and the court may compel obedience to its order by proceedings for contempt.

The Department, at its expense, shall provide a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein registration may be refused, revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the order of the Department constitute the record of those proceedings. The Department shall furnish a transcript of the record to any person interested in the hearing upon payment therefor of 75c per page for each original transcript and 25c per page for each carbon copy thereof ordered with the original. The charge for any part of a transcript ordered and paid for before the writing of the original record is 25c per page, however.

Sec. 15. [Report of committee — Rehearing.]

The Committee shall present to the Director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by certified mail as provided in Section 12. Within 20 days after service the accused may present to the Department his motion in writing for a rehearing, which written motion must specify the particular grounds therefor. If the accused orders and pays for a transcript of the record as provided in Section 13, the 20 day period does not begin until the transcript is ready for delivery to him.

Whenever the Director is satisfied that substantial justice has not been done, he may order a rehearing by the same or another special committee. At the expiration of the time specified for filing a motion for a rehearing the Director may take the action recommended by the Committee. Upon the suspension or revocation of his certificate of registration, a registrant must surrender his certificate of registration to the Department and if he fails to surrender that certificate, the Department may seize it.

Sec. 16. [Restoration of certificate.] At any time after the suspension or revocation of any certificate of registration, the Department may restore it to the accused person without examination, upon the written recommendation of the Committee.

Sec. 17. [Judicial review.] All final administrative decisions of the Department under this Act are subject to judicial review under the "Administrative Review Act", and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".

Proceedings for judicial review may be commenced in the circuit court of the county in which the party applying for review resides or if the party is not a resident of this State in Sangamon County.

The Department is not required to certify any record, to file any answer or otherwise to appear hereunder unless the party filing the complaint deposits with the clerk of the court the sum of 75c per page as costs of that certification. Failure on the part of the plaintiff to make this deposit is grounds for dismissal of the action.

Sec. 18. [Order of revocation or suspension as prima facie proof—Rebuttal.] An order of revocation or suspension or a certified copy of that order over the seal of the Department and purporting to be signed by the Director is prima facie proof that:

(a) The signature is the genuine signature of the Director;

(b) The Director is duly appointed and qualified; and

(c) The Committee and the members thereof are qualified. This proof may be rebutted.

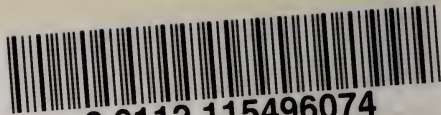
Sec. 19. [Penalties.] Conviction of any of the following acts is punishable by a fine of not less than \$50 nor more than \$500, by imprisonment in a penal institution other than the penitentiary for not less than one month nor more than 6 months, or by both such fine and imprisonment:

(a) The use of the words "Certified Social Worker", or "Social Worker", the abbreviation "C.S.W." or "S.W." or any words, abbreviations, figures or letters with the intention of indicating practice as a Certified Social Worker or a Social Worker without holding a valid certificate issued under this Act;

(b) The obtaining of, or attempting to obtain, a certificate of registration by bribery, or by fraudulent representation;

(c) The violation of any of the provisions of this Act.

Sec. 20. [Disclosures — Prohibition — Exceptions.] No social worker may disclose any information he may have acquired from persons consulting him in his professional capacity which was necessary to enable him to render services in his professional capacity to those persons except: (1) to his employer, (2) in a criminal trial when the disclosure relates directly to the fact or immediate circumstances of the crime, (3) in actions, civil or criminal, against the social worker for malpractice, or (4) with the written consent of the client, or in the case of his death or disability, of his personal representative or other person authorized to sue or of the beneficiary of an insurance policy on his life, health, or physical condition.



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